



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER LOADHOLT

Plaintiff,

- against -

ORIENTAL-DECOR.COM, INC.

Defendant.
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22-CV-8205 (JMF) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

WHEREAS Plaintiff filed the Complaint commencing this ADA website case on September 26, 2022 (Dkt. 1);

WHEREAS this Court entered a scheduling order on November 21, 2022, which, among other things, set April 21, 2023 as the deadline to complete fact discovery, and set May 22, 2023 as the deadline to complete expert discovery (Dkt. 16);

WHEREAS Plaintiff served interrogatories and document requests on Defendant on November 21, 2022 (see Dkt. 20 and Ex. A);

WHEREAS Plaintiff filed a letter motion on April 21, 2023 (i) stating that, despite Plaintiff's efforts to obtain Defendant's compliance, Defendant never served "a single response" to Plaintiff's discovery requests, and (ii) requesting leave to file a motion pursuant to Federal Rule Of Civil Procedure 37 for a finding that Defendant had waived any objections to Plaintiff's discovery requests, for an order compelling Defendant's compliance with Plaintiff's discovery requests, and for payment of attorney's fees and costs (Dkt. 20 at 1);

WHEREAS on April 24, 2023, this Court ordered Defendant to respond to Plaintiff's April 21, 2023 letter no later than April 25, 2023 (Dkt. 21);

WHEREAS Defendant failed to respond;

WHEREAS this Court issued another order on April 27, 2023 stating that Defendant has been "woefully non-responsive" and that "(1) Defendant has waived their right to object to any of the discovery request previously served; (2) Defendant shall comply with all outstanding discovery requests by May 17, 2023; (3) Defendant's failure to comply will result in sanctions, including but not limited to preclusion, evidentiary findings, default judgment, and/or monetary sanctions; (4) Defendant shall pay the costs of Plaintiff's having had to seek the Court's intervention by his April 21, 2023 letter, and shall make such payment within 30 days of Plaintiff providing Defendant with the amount of costs and supporting information" (Dkt. 22 at 1);

WHEREAS on May 23, 2023, Plaintiff filed a letter (i) stating that Defendant still had not produced any documents, and (ii) seeking leave to file a motion pursuant to Federal Rule Of Civil Procedure 37 motion for sanctions "in the form of striking the Defendant's Answer and the entry of a default" against Defendant (Dkt. 23 at 2);

WHEREAS this Court scheduled an in-person show cause hearing for June 13, 2023 (Dkt. 24);

WHEREAS at the show cause hearing held on June 13, 2023, counsel for Defendant appeared but was unable to offer any reason for counsel and their client's repeated failure to respond to Plaintiff's requests and to comply with court orders; and

WHEREAS at the show cause hearing held on June 13, 2023, this Court found that Defendant and defense counsel willfully disobeyed court orders and failed to comply with any and all discovery obligations;

IT IS HEREBY ORDERED for the reasons stated during the show cause hearing and in light of the history set forth above, that (i) Defendant's Answer is stricken; (ii) Plaintiff may move for default judgment in accordance with the District Judge's rules; and (iii) defense counsel shall pay sanctions of \$1,000 to Plaintiff; Defendant shall pay sanctions of \$500 to Plaintiff; and both sanctions shall be paid by July 13, 2023.

The Clerk of Court is respectfully requested to strike Defendant's Answer to the Amended Complaint at Dkt. 19.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: June 14, 2023
New York, New York

Copies transmitted this date to all counsel of record.